

# Senate Study Bill 3145 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOGG)

## A BILL FOR

1 An Act relating to the regulation of unmanned aerial vehicles,  
2 and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1.   NEW SECTION.   801C.1   Use of unmanned aerial  
2 vehicles — exceptions — penalties.

3     1. As used in this section, unless the context otherwise  
4 requires:

5     *a.*   “Agency” means a state agency or a political subdivision  
6 of this state or any person acting on behalf of the state  
7 agency or the political subdivision.

8     *b.*   “Unmanned aerial vehicle” means an aircraft that is  
9 operated without the possibility of direct human intervention  
10 from within or on the aircraft.

11    2. Any use of an unmanned aerial vehicle shall fully comply  
12 with all federal aviation administration requirements and  
13 guidelines, and the acquisition of unmanned aerial vehicles at  
14 the county, city, or local governmental level shall be approved  
15 by the county board of supervisors, city council, or other  
16 supervisory legislative body that oversees the agency.

17    3. Except as provided in subsection 4, an agency shall  
18 not operate an unmanned aerial vehicle or disclose or receive  
19 information acquired through the operation of an unmanned  
20 aerial vehicle.

21    4. An agency may disclose or receive information acquired  
22 through the use of an unmanned aerial vehicle under the  
23 following circumstances:

24     *a.*   The agency has received written consent to receive or  
25 disclose information from the person whose information was  
26 acquired.

27     *b.*   An emergency exists based on a reasonable belief that  
28 an imminent threat exists to the life or safety of a person  
29 subject to the following limitations:

30       (1) The agency documents a factual basis for the use of the  
31 unmanned aerial vehicle under this subsection.

32       (2) Within forty-eight hours of the emergency use under this  
33 subsection, a supervisory official of the agency files a sworn  
34 statement with the court detailing the grounds for using the  
35 unmanned aerial vehicle in the emergency.

1     *c.* One of the following applies:

2     (1) A search warrant has been issued under the conditions  
3 of section 808.2 authorizing the collection information from  
4 a nonpublic area.

5     (2) A search warrant has been issued under the conditions of  
6 section 808.2 authorizing the collection of information from a  
7 public area or a court order has been issued authorizing the  
8 collection of information from a public area if the agency  
9 offers specific articulable facts demonstrating reasonable  
10 suspicion of criminal activity, that the operation of an  
11 unmanned aerial vehicle is necessary to uncover such activity,  
12 and that alternative methods of collecting information are  
13 cost-prohibitive or present a significant risk to a person's  
14 bodily safety.

15     *d.* The agency does not use the information collected or  
16 any evidence derived from such information as evidence in any  
17 civil, criminal, or administrative proceeding, or any other  
18 proceeding before a regulatory body, legislative committee,  
19 or other authority within this state, or for any intelligence  
20 purpose.

21     5. When an unmanned aerial vehicle is used pursuant to  
22 subsection 4, the unmanned aerial vehicle shall be operated  
23 in a manner as to collect data only on the target and shall  
24 avoid data collection on a person, home, or area other than  
25 the target. Facial recognition or other biometric matching  
26 technology on an unmanned aerial vehicle shall not be used on  
27 any person other than the targeted person.

28     6. An unmanned aerial vehicle shall not be equipped with  
29 weapons.

30     7. Information collected on a person, home, or area other  
31 than the target that justified the use of the unmanned aerial  
32 vehicle, shall not be used, copied, or disclosed for any  
33 purpose by the agency. Such information shall be destroyed  
34 within twenty-four hours of collection.

35     8. Except to prove a violation of this section, information

1 obtained in violation of this section shall not be admissible  
2 in any civil, criminal, or administrative proceeding, or  
3 any other proceeding before a regulatory body, legislative  
4 committee, or other authority within this state.

5 9. a. A person who maliciously and without just cause  
6 procures a search warrant to be issued and executed under this  
7 section violates section 808.10.

8 b. Anyone who, in executing a search warrant, willfully  
9 exceeds the person's authority, or exercises it with  
10 unnecessary severity, violates section 808.10.

11 10. a. On June 30, 2015, and every June 30 thereafter,  
12 each agency using an unmanned aerial vehicle shall provide the  
13 department of public safety with the following information:

14 (1) The number of instances an unmanned aerial vehicle was  
15 used by the agency and the purpose of each use.

16 (2) The number of crime investigations aided by the use of  
17 an unmanned aerial vehicle and a description of how the use of  
18 an unmanned aerial vehicle aided each investigation.

19 (3) The number of instances an unmanned aerial vehicle was  
20 used for purposes other than in a criminal investigation and a  
21 description of how the use of the unmanned aerial vehicle aided  
22 in that purpose.

23 (4) The annual cost of the unmanned aerial vehicle program  
24 of the agency.

25 b. The department of public safety shall compile the  
26 information provided by the agencies under this subsection and  
27 present a report detailing the use of unmanned aerial vehicles  
28 to the general assembly by January 15, 2016, and every January  
29 15 thereafter.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with  
32 the explanation's substance by the members of the general assembly.

33 This bill relates to the regulation of unmanned aerial  
34 vehicles, and provides penalties.

35 The bill defines "unmanned aerial vehicle" to mean an

1 aircraft that is operated without the possibility of direct  
2 human intervention from within or on the aircraft.

3 The bill applies to a state agency or a political subdivision  
4 of this state or any person acting on behalf of the state  
5 agency or the political subdivision (hereinafter referred to  
6 as "agency").

7 The bill specifies that the use of an unmanned aerial vehicle  
8 shall fully comply with all federal aviation administration  
9 requirements and guidelines, and the acquisition of unmanned  
10 aerial vehicles at the local governmental level shall be  
11 approved by the county board of supervisors, city council, or  
12 other supervisory legislative body that oversees the agency.

13 The bill prohibits an agency from operating an unmanned  
14 aerial vehicle or disclosing or receiving information acquired  
15 through the operation of an unmanned aerial vehicle, except  
16 under certain circumstances.

17 An agency may disclose or receive information acquired  
18 through the use of an unmanned aerial vehicle under the  
19 following circumstances: the person whose information was  
20 acquired provided written consent to the agency to receive  
21 and disclose such information; an emergency exists in which  
22 there is a threat to the life or safety of a person and  
23 the agency documents to the court a factual basis for the  
24 use of the unmanned aerial vehicle within 48 hours of the  
25 emergency; a search warrant has been issued authorizing the  
26 collection information from a public or nonpublic area; or  
27 a court order has been issued authorizing the collection of  
28 information from a public area if the agent offers specific  
29 articulable facts demonstrating reasonable suspicion of  
30 criminal activity; that alternative methods of collecting  
31 information are cost-prohibitive or present a significant risk  
32 to a person's bodily safety; or the agency of the state does  
33 not use the information collected or any evidence derived  
34 from such information as evidence in any civil, criminal, or  
35 administrative proceeding, or any other proceeding, or for any

1 intelligence purpose.

2     The bill specifies that when an unmanned aerial vehicle  
3 is used by an agency, the unmanned aerial vehicle shall be  
4 operated in a manner as to collect data only on the target  
5 and shall avoid data collection on a person, home, or area  
6 other than the target. The bill further specifies that facial  
7 recognition or other biometric matching technology on an  
8 unmanned aerial vehicle shall not be used on any person other  
9 than the targeted person.

10     The bill prohibits an unmanned aerial vehicle from being  
11 equipped with weapons.

12     Information collected from the use of an unmanned aerial  
13 vehicle on a person, home, or area other than the target that  
14 justified the use of the unmanned aerial vehicle, shall not be  
15 used, copied, or disclosed for any purpose by the agency. The  
16 bill requires such information to be destroyed within 24 hours  
17 of collection.

18     The bill requires each agency using an unmanned aerial  
19 vehicle to annually provide the department of public safety  
20 with information relating to the unmanned aerial vehicle's  
21 use. The bill also requires the department of public safety  
22 to compile such information and file a report relating to the  
23 use of unmanned aerial vehicles beginning January 15, 2016, and  
24 every January 15 thereafter.

25     A person who maliciously and without just cause procures a  
26 search warrant to be issued and executed under the bill commits  
27 a serious misdemeanor.

28     A person who, in executing a search warrant, willfully  
29 exceeds the person's authority, or exercises it with  
30 unnecessary severity, commits a serious misdemeanor.

31     A serious misdemeanor is punishable by confinement for no  
32 more than one year and a fine of at least \$315 but not more than  
33 \$1,875.